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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,307	11/03/2005	Hideaki Nishio	8683/232	9588
Brinks Hofer Gilson & Lione PO Box 10395 Chicago, IL 60610			EXAMINER SIKRI, ANISH	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 03/20/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,307

Applicant(s)

NISHIO ET AL.

Examiner

ANISH SIKRI

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. JP 2002-264246.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 10/24/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is directed to non-statutory subject matter. Claim 12 states "a computer program product". In the specification of the application [0010], it is shown that the system is a program. The claim language use of "computer program product" is non-statutory, as the support for the claim is directed towards a computer program.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7, 9-13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sutherland et al (US Pat 7,069,295).

Consider Claim 1, Sutherland discloses storage area management method comprising: a request step of transmitting an request from a communication terminal having a storage unit to an area management apparatus (Col 6 Lines 5-34), the request requesting to set an area available for an application in said storage unit (Col 3 Lines 20-24, Col 6 Lines 14-18); an instruction step of, when said area management apparatus receives said request (Col 3 Lines 20-24, Col 6 Lines 14-18), determining in said area management apparatus a storage area to be allocated for said application based on said received request (Col 3 Lines 20-24, Col 6 Lines 5-34), and transmitting to said communication terminal an execution instruction to execute setting of the determined storage area (Col 6 Lines 5-34); and a setting step of, when said communication terminal receives said execution instruction, setting said determined storage area in said storage unit (Col 6 Lines 5-34).

Sutherland et al does not disclose the use of authorization request in communicating with the communication terminal.

However, it is well known in the art to use authorization requests to seek access to the system to perform an action based on the user's needs.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention, to use authorization request, taught by Sutherland, as the storage coordinator receives "authorized" requests from the user to reserve/allocate storage area (Col 6 Lines 5-34). The storage allocation would not occur if the user did not authorize it. The user authorizes the system to reserve/allocate/create storage space on demand.

Consider Claim 2, Sutherland discloses a storage area management method according to claim 1, further comprising a storing step of downloading the file from a content server or the area management server and storing the file into the set area, by the communication terminal (col 5 lines 12-20, Col 2 Lines 56-60, Col 3 Lines 28-44).

Sutherland fails to disclose that the files are applications. However, it is well known in the art that files may include application files.

It would be obvious to a person skilled in the art at the time of the invention to download files, such as application files, from a server and storing the files/applications (Col 5 Lines 12-20) in the newly created storage area for the purpose of transferring/downloading files from one resource to another, such as the storage area.

Consider Claim 3, Sutherland et al discloses the storage area management method according to claim 2, wherein said area management apparatus has a table in which said application and information on an area for to be allocated for the application are stored in association with each other (Col 11 Lines 52-63), and said area management apparatus determines said storage area to be allocated for the application by using said table (Col 11 Lines 52-63).

Consider Claim 4, Sutherland et al discloses the storage area management method according to claim 2, wherein said area to be allocated for the application is determined with consideration given to the size of said application and data to be used by said application (Col 5 Lines 12-24).

Claim 5, has similar limitations as to claim 4, therefore it is rejected under the same rational as to claim 4.

Claim 6, has similar limitations as to claim 2, therefore it is rejected under the same rational as to claim 2.

Consider Claim 7, Sutherland et al discloses a storage area management method according to claim 2, wherein said storage unit is detachably attached to said communication terminal (Col 2 Lines 45-52).

Claim 9, has similar limitations as to claim 1, therefore it is rejected under the same rational as to claim 1.

Claim 10, has similar limitations as to claim 2, therefore it is rejected under the same rational as to claim 2.

Claim 11, has similar limitations as to claim 1, therefore it is rejected under the same rational as to claim 1.

Claim 12, has similar limitations as to claim 1, therefore it is rejected under the same rational as to claim 1.

Claim 13, has similar limitations as to claim 1, therefore it is rejected under the same rational as to claim 1.

Claims 8 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Sutherland et al (US Pat 7,069,295), in view of Albanese et al (US 2006/0112188).

Consider Claim 8, Sutherland et al fails to disclose the storage area management method according to claim 2, wherein said communication terminal is a mobile terminal, and carries out communication with said area management apparatus over a wireless communication network.

Nonetheless Albanese et al discloses that said communication terminal is a mobile terminal (Albanese et al, [0090]), and carries out communication with said area management apparatus over a wireless communication network (Albanese et al, [0090]).

Therefore it would have been obvious to use mobile devices and wireless communication, taught by Albanese et al, in the system of Sutherland et al, to provide wireless communication between the user and systems.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH SIKRI whose telephone number is 5712701783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anish Sikri

a.s.

March 12, 2008

/Kenny S Lin/
Primary Examiner, Art Unit 2152